

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 4/24/2019 9:13:02 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Bill Nickerson reached out to OMB (eom)
Attachments: EPA FOIA Reg Update, Redline.docx; EPA FOIA Regs Update Changes Explanation.docx

Christopher T. Creech
Attorney-Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Creech, Christopher
Sent: Wednesday, April 24, 2019 4:50 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Bill Nickerson reached out to OMB (eom)

Hi Tim,

Caryn's recommendation was to go with Bill's recommendation and didn't have any feedback between slides or redline. I am putting together the redline now and can have slides together for your review early tomorrow morning.

-Chris

Christopher T. Creech
Attorney-Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Creech, Christopher
Sent: Tuesday, April 23, 2019 12:32 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Bill Nickerson reached out to OMB (eom)

Christopher T. Creech
Attorney-Adviser

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 4/16/2019 1:46:57 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: OMB-OGC Meeting on FOIA Regulations

Thanks, Tim.

Christopher T. Creech
Attorney-Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Epp, Timothy
Sent: Tuesday, April 16, 2019 9:01 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Subject: RE: OMB-OGC Meeting on FOIA Regulations

This looks good – I made a few changes in the attached. I've also suggested another final slide on the examples of other OMB nonsignificant FOIA rules. Work with Caryn to check whether putting the other examples in the slides is ok or whether it would be viewed as too strident.

Tim

Timothy R. Epp
Acting Director | [National FOIA Office](#)
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1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7309B
Phone (202) 564-2830 | epp.timothy@epa.gov



National FOIA Office
EPA Office of General Counsel

From: Creech, Christopher
Sent: Monday, April 15, 2019 1:16 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: OMB-OGC Meeting on FOIA Regulations

To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: OMB-OGC Meeting on FOIA Regulations

Hello Tim,

Thank you for our brief discussion this morning. As a follow-up, when you have a draft ppt slide deck (<5 pages) ready, please send me the draft so we can schedule the OMB briefing.

Please let me know if you have any questions.

Best regards,

Mary

From: Epp, Timothy
Sent: Friday, April 12, 2019 8:15 AM
To: Manibusan, Mary <Manibusan.Mary@epa.gov>
Subject: RE: OMB-OGC Meeting on FOIA Regulations

Thanks!

Timothy R. Epp
Acting Director | [National FOIA Office](#)
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National FOIA Office
EPA Office of General Counsel

From: Manibusan, Mary
Sent: Friday, April 12, 2019 8:08 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Re: OMB-OGC Meeting on FOIA Regulations

Hi Tim, I can call when I arrive in the office. Thanks! Mary

Sent from my iPhone

On Apr 12, 2019, at 7:43 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

Hi Mary, thanks for touching back quickly. If possible, could we talk before 9:30? I have meetings at 9:30 and 10:00; the latter is my one-on-one with the Deputy GC who is tracking the FOIA regs. Otherwise, I have much availability today. Let me know what works for you.

Tim

For your consideration. I will move onto the examples of other agencies using procedural and good cause exceptions.

Christopher T. Creech
Attorney-Adviser
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U.S. Environmental Protection Agency
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Room 7353 E

From: Creech, Christopher
Sent: Monday, April 15, 2019 11:38 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: OMB-OGC Meeting on FOIA Regulations

Roger that. I will have something for you early this afternoon.

Christopher T. Creech
Attorney-Adviser
Office of General Counsel
U.S. Environmental Protection Agency
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Room 7353 E

From: Epp, Timothy
Sent: Monday, April 15, 2019 9:59 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Subject: FW: OMB-OGC Meeting on FOIA Regulations

Chris – looks like we can explain what we are doing in more than one slide – up to 5.

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National FOIA Office
EPA Office of General Counsel

From: Manibusan, Mary
Sent: Friday, April 12, 2019 5:38 PM

Timothy R. Epp

Acting Director | [National FOIA Office](#)

U.S. Environmental Protection Agency | Office of General Counsel

1200 Pennsylvania Avenue, N.W. (MC 2310A)

Washington, D.C. 20460 | WJCN 7309B

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<image001.jpg>

From: Manibusan, Mary

Sent: Thursday, April 11, 2019 5:51 PM

To: Epp, Timothy <Epp.Timothy@epa.gov>

Cc: Wiggins, Lanelle <Wiggins.Lanelle@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>;

Creech, Christopher <Creech.Christopher@epa.gov>

Subject: Re: OMB-OGC Meeting on FOIA Regulations

Hello Tim,

Thank you for this message and your call. I would like to speak with you tomorrow when you are available.

Thanks!

Mary

Sent from my iPhone

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Hi Mary,

This is following up on the voicemail message that I left for you. I'm reaching out in the hopes that we can accelerate and prioritize the scheduling of a staff-level meeting that OMB requested on EPA's request for a Non-significant Determination on the Agency's FOIA Regulation Update rule.

This is planned as the first of a possibly two-phase rulemaking – in this first phase, we plan to go straight to final without taking public comment under the APA's good cause and procedural rule exceptions. This regulation update will bring EPA into full compliance with FOIA amendments, which required an updated rulemaking more than 2 years ago. We have the draft final rule fully briefed up through Matt Leopold, the General Counsel and Chief FOIA Officer, and we are only waiting on the Non-significant determination before moving forward.

Thanks much for any assistance you can give. Caryn has been a great help so far.

Tim

Timothy R. Epp

Acting Director | [National FOIA Office](#)

U.S. Environmental Protection Agency | Office of General Counsel

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 4/16/2019 5:50:02 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: OMB-OGC Meeting on FOIA Regulations
Attachments: DRAFT OMB Non-Sig Presentation FOIA Reg Update.pptx

Christopher T. Creech
Attorney-Adviser
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From: Epp, Timothy
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Subject: RE: OMB-OGC Meeting on FOIA Regulations

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Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Tim

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EPA Office of General Counsel

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Sent: Monday, April 15, 2019 1:16 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: OMB-OGC Meeting on FOIA Regulations

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Please let me know if you have any questions.

Best regards,

Mary

From: Epp, Timothy
Sent: Friday, April 12, 2019 8:15 AM
To: Manibusan, Mary <Manibusan.Mary@epa.gov>
Subject: RE: OMB-OGC Meeting on FOIA Regulations

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Phone (202) 564-2830 | epp.timothy@epa.gov

<image001.jpg>

From: Manibusan, Mary

Sent: Thursday, April 11, 2019 5:51 PM

To: Epp, Timothy <Epp.Timothy@epa.gov>

Cc: Wiggins, Lanelle <Wiggins.Lanelle@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>;

Creech, Christopher <Creech.Christopher@epa.gov>

Subject: Re: OMB-OGC Meeting on FOIA Regulations

Hello Tim,

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Thanks!

Mary

Sent from my iPhone

On Apr 11, 2019, at 3:48 PM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

Hi Mary,

This is following up on the voicemail message that I left for you. **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Thanks much for any assistance you can give. Caryn has been a great help so far.

Tim

Timothy R. Epp

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U.S. Environmental Protection Agency | Office of General Counsel



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Best regards,

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Subject: RE: OMB-OGC Meeting on FOIA Regulations

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To: Epp, Timothy <Epp.Timothy@epa.gov>
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Tim

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<image001.jpg>

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Sent: Thursday, April 11, 2019 5:51 PM

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Cc: Wiggins, Lanelle <Wiggins.Lanelle@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>;

Creech, Christopher <Creech.Christopher@epa.gov>

Subject: Re: OMB-OGC Meeting on FOIA Regulations

Hello Tim,

Thank you for this message and your call. I would like to speak with you tomorrow when you are available.

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Sent from my iPhone

On Apr 11, 2019, at 3:48 PM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

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Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks much for any assistance you can give. Caryn has been a great help so far.

Tim

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<image001.jpg>

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 4/12/2019 5:49:02 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Muellerleile, Caryn [Muellerleile.Caryn@epa.gov]
Subject: Re: OMB-OGC Meeting on FOIA Regulations

Thank you, Caryn and Tim. I'll dive into this and circulate some examples and slides on Monday.
Have a great weekend!
-Chris

From: Epp, Timothy
Sent: Friday, April 12, 2019 1:16:34 PM
To: Muellerleile, Caryn; Creech, Christopher
Subject: RE: OMB-OGC Meeting on FOIA Regulations

I was so hopeful when I saw the spreadsheet that you had a quick answer to everything. This will be super helpful as is.
Thanks and have a great weekend.
Tim

Timothy R. Epp
Acting Director | [National FOIA Office](#)
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1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7309B
Phone (202) 564-2830 | epp.timothy@epa.gov



National FOIA Office
EPA Office of General Counsel

From: Muellerleile, Caryn
Sent: Friday, April 12, 2019 1:14 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Subject: RE: OMB-OGC Meeting on FOIA Regulations

I think

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Caryn

From: Epp, Timothy
Sent: Friday, April 12, 2019 1:03 PM
To: Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Subject: RE: OMB-OGC Meeting on FOIA Regulations

Great! Many of these specifically mention the 2016 FOIA amendment. Can we tell

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Tim

Timothy R. Epp

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U.S. Environmental Protection Agency | Office of General Counsel

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Phone (202) 564-2830 | epp.timothy@epa.gov



National FOIA Office

EPA Office of General Counsel

From: Muellerleile, Caryn

Sent: Friday, April 12, 2019 12:15 PM

To: Epp, Timothy <Epp.Timothy@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>

Subject: RE: OMB-OGC Meeting on FOIA Regulations

Hi,

I ran a quick (advanced) search at federalregister.gov and located many, many final rules that might both of your criteria. **Deliberative Process / Ex. 5**

Thanks,
Caryn

From: Epp, Timothy

Sent: Friday, April 12, 2019 12:05 PM

To: Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>

Subject: RE: OMB-OGC Meeting on FOIA Regulations

Chris and Caryn,

I talked with Mary this morning – to help prepare for the OMB briefing, Chris, could you identify

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Also, Chris, can you prepare a draft PowerPoint slide that summarizes

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

We don't know the timing because the OMB meeting has not been set, yet. Let's hope for and plan for a meeting soon.

Thanks,
Tim

Timothy R. Epp

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From: Manibusan, Mary
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Cc: Wiggins, Lanelle <Wiggins.Lanelle@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
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Hello Tim,

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Thanks!

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On Apr 11, 2019, at 3:48 PM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

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Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

This regulation update will bring EPA into full compliance with FOIA amendments, which required an updated rulemaking more than 2 years ago. We have the draft final rule fully briefed up through Matt Leopold, the General Counsel and Chief FOIA Officer, and we are only waiting on the Non-significant determination before moving forward.

Thanks much for any assistance you can give. Caryn has been a great help so far.

Tim

Message

From: Muellerleile, Caryn [Muellerleile.Caryn@epa.gov]
Sent: 4/12/2019 4:15:02 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]
Subject: RE: OMB-OGC Meeting on FOIA Regulations
Attachments: FOIA_regs_2017_2019.csv

Hi,

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Caryn

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Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

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Phone (202) 564-2830 | epp.timothy@epa.gov
<image001.jpg>

Message

From: Manibusan, Mary [Manibusan.Mary@epa.gov]
Sent: 4/11/2019 9:51:25 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Wiggins, Lanelle [Wiggins.Lanelle@epa.gov]; Muellerleile, Caryn [Muellerleile.Caryn@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]
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<image001.jpg>

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 10/23/2018 3:18:02 PM
To: OGC NFO [OGC-NFO@epa.gov]
Subject: Request for Comment on draft Regulations Options memo -- case law in particular
Attachments: Options Selection Prebrief_10.20.18_dps.docx

Hi NFO,

I've attached a clean version of Dan's current draft of the Regulation Options Memo. Dan and I would like your help in

Deliberative Process / Ex. 5

Can you provide Dan your thoughts in the next day or two?

Thanks,
Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

<Walker.Denise@epa.gov>

Subject: RE: Final Draft FOIA Memo for Admin

Tim and Joe – I do have some comments on the memo. I have been in PARS and other meetings most of the day. I will work to get you my comments as soon as I can, but it will likely not be before 5 pm. I am in back-to-back PARS meetings from now through 5 pm.

Tim – I will get back to you as soon as I can.

Wendy

Wendy L. Blake
Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
phone: (202) 564-1821
fax: (202) 564-5433

From: Epp, Timothy
Sent: Thursday, November 01, 2018 3:21 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: Final Draft FOIA Memo for Admin

Hi Joe,

Here is a redline and clean version of the updated draft FOIA memo for the Administrator – for you to discuss with Matt at 5:00 pm. As we just discussed, this does not yet include comments/edits from Wendy this afternoon.

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 11/1/2018 7:49:44 PM
To: Shaffer, Patricia [Shaffer.Patricia@epa.gov]
CC: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Final Draft FOIA Memo for Admin
Attachments: Draft FOIA Memo - Clean Updated 11 1 2018.docx; Draft FOIA Memo - redline updates 11 1 2018.docx; OGC FOIA Improvement Initiatives 2018 - updated Nov 1.pptx

Pat, please print the attached documents for Joe to take to his 5 pm meeting with Matt.
Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Epp, Timothy
Sent: Thursday, November 01, 2018 3:21 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: Final Draft FOIA Memo for Admin

Hi Joe,

Here is a redline and clean version of the updated draft FOIA memo for the Administrator – for you to discuss with Matt at 5:00 pm. As we just discussed, this does not yet include comments/edits from Wendy this afternoon.

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 11/1/2018 7:48:29 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
CC: Packard, Elise [Packard.Elise@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: Final Draft FOIA Memo for Admin
Attachments: OGC FOIA Improvement Initiatives 2018 - updated Nov 1.pptx

Joe,
Here are the slides.

I will ask Pat to print both the slides and the memo for you.
Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Epp, Timothy
Sent: Thursday, November 01, 2018 3:21 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
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Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 11/1/2018 7:21:27 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
CC: Packard, Elise [Packard.Elise@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: Final Draft FOIA Memo for Admin
Attachments: Draft FOIA Memo - Clean Updated 11 1 2018.docx; Draft FOIA Memo - redline updates 11 1 2018.docx

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Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 11/1/2018 3:05:52 PM
To: Packard, Elise [Packard.Elise@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]
CC: Blake, Wendy [Blake.Wendy@epa.gov]
Subject: RE: Draft FOIA memo
Attachments: Draft FOIA Memo - 08.10.18.GLO NFO Clean to Circulate Updated 11 1 2018.docx

Here is an updated, clean copy (no redlining) with Elise's changes along with a few other cosmetic and editorial changes.

Please note: I have deleted the last paragraph of the section we have been working on – it spoke to the effort to update the policy and regulations, which seemed to me to be too much in the weeds in relation to the other topics in the section.

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Packard, Elise
Sent: Thursday, November 01, 2018 10:50 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>
Subject: RE: Draft FOIA memo

What about this? I find the sentence about leading from the top to be odd where it's placed, and perhaps better here as in intro sentence to the paragraph on AO4

Deliberative Process / Ex. 5

Elise B. Packard
Acting Deputy General Counsel
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Epp, Timothy
Sent: Thursday, November 01, 2018 10:30 AM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>

Cc: Packard, Elise <Packard.Elise@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>

Subject: RE: Draft FOIA memo

Thanks Joe,

Here is another option:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Brazauskas, Joseph

Sent: Thursday, November 01, 2018 7:07 AM

To: Epp, Timothy <Epp.Timothy@epa.gov>

Cc: Packard, Elise <Packard.Elise@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>

Subject: Re: Draft FOIA memo

Tim, I like the edits you made here, the only concern I might have is

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks, Joe

Sent from my iPhone

On Oct 31, 2018, at 6:44 PM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

Hi Elise and Joe,

Attached are my first cut at editing the FOIA memo to meet Matt's request – I've invited comments and filling in data by NFO and GLO folks. Recognizing that time will be short for finalizing tomorrow and Friday morning, I'm sending this now so that you can give early reactions if you want to. (A PDF is attached as well for easier iPhone reading.)

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Epp, Timothy

Sent: Wednesday, October 31, 2018 6:37 PM

To: Walker, Denise <Walker.Denise@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>

Subject: Draft FOIA memo

Importance: High

Hi Denise, Nicole, Wendy, Charlotte, and Kevin,

Joe gave me some feedback regarding the draft Administrator's FOIA memo that he got from Matt. Attached are my edits to meet Matt's request. Nicole and Denise, there are XXX identifying data on the AO4 project that we need to add. All, please review for everything from content to style – I did choose a somewhat more breezy style to make the results punchy.

Here is what Joe wrote: "In the FOIA memo he suggested that you include some language that addresses how we are going to tackle the backlog of the AO, i.e. Tiger Team, etc. in a leading by example fashion for the Administrator."

Obviously, we need to get this wrapped and up to Joe and Elise for review early tomorrow – I will send them a heads up on this draft, so that they can cut early if they want to.

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

<Draft FOIA Memo - 08.10.18.GLO NFO Clean to Circulate Updated 10.30.18 cy (002).docx>

<Draft FOIA Memo - 08.10.18.GLO NFO Clean to Circulate Updated 10.30.18 cy (002).pdf>

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 10/31/2018 10:44:11 PM
To: Packard, Elise [Packard.Elise@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]
CC: Blake, Wendy [Blake.Wendy@epa.gov]
Subject: FW: Draft FOIA memo
Attachments: Draft FOIA Memo - 08.10.18.GLO NFO Clean to Circulate Updated 10.30.18 cy (002).docx; Draft FOIA Memo - 08.10.18.GLO NFO Clean to Circulate Updated 10.30.18 cy (002).pdf

Importance: High

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Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Epp, Timothy
Sent: Wednesday, October 31, 2018 6:37 PM
To: Walker, Denise <Walker.Denise@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: Draft FOIA memo
Importance: High

Hi Denise, Nicole, Wendy, Charlotte, and Kevin,

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Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 10/10/2018 10:10:54 PM
To: Stachowiak, Robert [Stachowiak.Robert@epa.gov]
CC: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: Re: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Hi Rob, thanks.

Just an FYI that I cleared my email with Joe before sending it.

Tim

Sent from my iPhone

On Oct 10, 2018, at 5:47 PM, Stachowiak, Robert <Stachowiak.Robert@epa.gov> wrote:

Hi Tim – As I understand it, Joe Brazauskas is now the OIG IO POC. Looping him in.

-R

Robert Stachowiak
U.S. Environmental Protection Agency
Acting Associate Deputy General Counsel
Office of General Counsel (2310A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

From: Epp, Timothy
Sent: Wednesday, October 10, 2018 5:43 PM
To: Stewart, Sabrena <Stewart.Sabrena@epa.gov>; Hallum, Carrie <hallum.carrie@epa.gov>; Sigel, Jeremy <Sigel.Jeremy@epa.gov>; Larsen, Elena <Larsen.Elena@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Johnston, Robert <johnston.Robert@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>; Judd, Jennifer <Judd.Jennifer@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Boxton, Troy <Boxton.Troy@epa.gov>; Standifer, Juanita <Standifer.Juanita@epa.gov>; Kaufman, Michael <Kaufman.Michael@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: RE: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Hi Sabrena,

The Office of General Counsel's responses to the two questions that you have identified as related to report 14-P-0262 are as follows:

1. Pursuant to Delegation of Authority 1-131, which delegates the Chief FOIA Officer responsibilities to the General Counsel, Matthew Z. Leopold is the Agencies Chief FOIA Officer. He has not redelegated the Chief FOIA Officer responsibilities.

2. EPA's FOIA Public Liaison functions are performed by EPA's National FOIA Office in the Office of General Counsel. Timothy R. Epp is the Acting Director of the National FOIA Office.

As I stated in my September 26 email to Jeremy Sigel, OGC is moving forward with a plan to review and put out an interim update or interim continuation statement for the FOIA Policy and Procedure (FOIA Policy, CIO-2157-P-01, approved 9/30/14, review date 9/30/17, and Procedures CIO-2157-P-01.1, approved 12/18/14, review date 12/18/17). Providing further clarification on the above items will be considered as part of this updating process.

Please feel free to give me a call at the number below if you have any questions about the above.

Thanks,
Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Stewart, Sabrena
Sent: Wednesday, October 10, 2018 11:44 AM
To: Hallum, Carrie <hallum.carrie@epa.gov>; Sigel, Jeremy <Sigel.Jeremy@epa.gov>; Larsen, Elena <Larsen.Elena@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Johnston, Robert <Johnston.Robert@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>; Judd, Jennifer <Judd.Jennifer@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Boxton, Troy <Boxton.Troy@epa.gov>; Standifer, Juanita <Standifer.Juanita@epa.gov>; Kaufman, Michael <Kaufman.Michael@epa.gov>
Subject: RE: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Good Morning Carrie,

Thank you for your October 4, 2018 responses to our last follow-up email requests, that had a due date of October 9, 2018. It is much appreciated.

However, I am following up on the voice mail that I left you this morning at 9:00 AM. The OIG would appreciate a written response on the remainder 2 follow-up questions (questions 1 and 2) today. If there is an additional delay (beyond the close of business today) in responding, please inform us with a requested extension date.

Thank you,

Sabrena

Sabrena Stewart
Senior IT Auditor, Office of Audit and Evaluation
Information Resources Management Directorate
Office of Inspector General
Environmental Protection Agency
202-566-2889
stewart.sabrena@epa.gov

From: Hallum, Carrie

Sent: Thursday, October 4, 2018 2:59 PM

To: Sigel, Jeremy <Sigel.Jeremy@epa.gov>; Stewart, Sabrena <Stewart.Sabrena@epa.gov>; Larsen, Elena <Larsen.Elena@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Johnston, Robert <Johnston.Robert@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>; Judd, Jennifer <Judd.Jennifer@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>

Cc: Boxton, Troy <Boxton.Troy@epa.gov>; Standifer, Juanita <Standifer.Juanita@epa.gov>; Kaufman, Michael <Kaufman.Michael@epa.gov>

Subject: RE: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Hi Sabrena and Jeremy,

Below are the responses from OEI regarding questions #3-6 in your information request.

3. What was the last version of FOIAonline, and when did it expire?

RESPONSE: The current version of FOIAonline in production is 3.1.3. We are currently deploying updates every 2-3 weeks depending on the functionality or system improvements needed. The legacy system was taken off-line on July 3, 2018 (close of business 6:00 pm EST)

4. When was FOIAonline 3.0 implemented and put on EPA's internet for use?

RESPONSE: FOIAonline 3.0 was deployed on July 9, 2018; and made available for the public and agency users. While there is a new url for the upgraded site, a redirect from the old url is being maintained to ensure continuity of access. The new url for public access is <https://foiaonline.gov>. Agency users have unique variations of the url to fit their authentication process.

5. When will the entire FOIAonline 3.0 be accessible to the public for use? Please provide milestone dates.

RESPONSE: Data for all agency partners to complete their FY18 Annual Reports have been migrated into FOIAonline 3.0. For most of the partners, all of their data are in FOIAonline 3.0. For 5 of the 19 agencies with data in the system, their data migration will restart once the year end annual report efforts have been completed, which we roughly estimate to begin December 1, 2018, and continue thru February 15, 2019.

6. What process is currently used to gather information since much of the FOIAonline is not yet in 3.0, and is expected to take several weeks to complete?

RESPONSE: The majority of case level information is currently available in FOIAonline. If agencies have particular cases that have not been migrated but to which they need access (e.g., for litigation), they can submit a request to the help desk to have the migration of these cases expedited. The expedited migration of specific cases can usually be completed within the same week that the request is made.

Thank you,

Carrie Hallum

Program Analyst/Presidential Management Fellow
OEI Audit Follow Up Coordinator for OIG Audits
Backup Special Assistant, Office of Business Operations and Services
Office of Environmental Information
U.S. Environmental Protection Agency
Phone: (202) 566-1274
Email: hallum.carrie@epa.gov

From: Sigel, Jeremy

Sent: Friday, September 28, 2018 12:53 PM

To: Stewart, Sabrena <Stewart.Sabrena@epa.gov>; Larsen, Elena <Larsen.Elena@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Johnston, Robert <Johnston.Robert@epa.gov>; Hallum, Carrie <hallum.carrie@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>; Judd, Jennifer <Judd.Jennifer@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>

Cc: Boxton, Troy <Boxton.Troy@epa.gov>; Standifer, Juanita <Standifer.Juanita@epa.gov>; Kaufman, Michael <Kaufman.Michael@epa.gov>

Subject: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Importance: High

(Forwarding on behalf of IT Auditor, Sabrena Stewart. Please direct all responses to her and CC Jeremy Sigel, Project Manager):

Everyone,

In an effort to have an open line of communication and keep everyone informed as to the status of our work, below is IRMD's monthly status email summarizing what we've done, what we're currently doing, follow-up requests, new requests, our next steps, and any outstanding requests or areas of concerns. If there are any questions on a given item, please feel free to respond directly to this email or call me at 202-566-2889.

The three audit report recommendations that we are reviewing the Corrective Action's for are:

- *Congressionally Requested Audit: EPA Needs to Improve Processes for Preserving Text Messages as Federal Records* (Report No. 17-P-0062), issued December 21, 2016.
- *Briefing Report: Review of EPA's Process to Release Information Under the Freedom of Information Act* (Report No. 14-P-0262), issued May 16, 2014.
- *Congressionally Requested Inquiry into the EPA's Use of Private and Alias Email Accounts* (Report No. 13-P-0433), issued September 26, 2013.

What We've Done:

- We have reviewed follow-up documentation received from the Agency pertaining to Corrective Actions, reviewed those responses and made follow up requests.

What We're Currently Doing:

- Documenting responses received and our analysis and following up on additional items needed.

Follow-up Requests:

Any new requests involving the previous audit reports will be requested based on that Report Number highlighted above. This will help everyone easily identify the correct audit report.

- Report No. 14-P-0262
 1. <!--[if !supportLists]--><!--[endif]-->Please provide the name and contact information (name, phone, email) of EPA's Chief FOIA Officer, or Acting Chief FOIA Officer.
 - a. If the person is in an Acting capacity, please provide the timeframe that they have been acting.
 - b. Is there a policy/procedure that states the timeframe that a person can be in an acting capacity as EPA's Chief FOIA Officer? If so, please provide policy/procedure information with location within document.
 2. <!--[if !supportLists]--><!--[endif]-->Please provide the name(s) of EPA's FOIA Public Liaison(s).
 - a. If the person is in an "Acting" capacity, please provide the timeframe that they have been acting.
 - b. Is there a policy/procedure that states the timeframe that a person can be in an "Acting" capacity as EPA's FOIA Public Liaison? If so, please provide policy/procedure information with location with document.
 3. <!--[if !supportLists]--><!--[endif]-->What was the last version of FOIAonline, and when did it expire?
 4. <!--[if !supportLists]--><!--[endif]-->When was FOIAonline 3.0 implemented and put on EPA's internet for use?
 5. <!--[if !supportLists]--><!--[endif]-->When will the entire FOIAonline 3.0 be accessible to the public for use? Please provide milestone dates.
 6. <!--[if !supportLists]--><!--[endif]-->What process is currently used to gather information since much of the FOIAonline is not yet in 3.0, and is expected to take several weeks to complete?

Next Steps:

- Reviewing follow-up requests from this email.
- Completing fieldwork and drafting discussion document.

In conclusion, I would like to thank everyone for your help and speedy responses! In the event of my absence, please copy Jeremy Sigel on all responses.

Please provide responses to our follow-up requests by COB October 9, 2018.

Thanks,

Sabrena

Sabrena Stewart
Senior IT Auditor, Office of Audit and Evaluation
Information Resources Management Directorate
Office of Inspector General
Environmental Protection Agency
202-566-2889
stewart.sabrena@epa.gov

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 10/10/2018 4:52:42 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: RE: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Thanks Joe,

Deliberative Process, ACP / Ex. 5

Tim
Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Brazauskas, Joseph
Sent: Wednesday, October 10, 2018 12:18 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Hi Tim – please let me know if you need assistance on this, it looks to be just the two questions left, I believe?

Joseph A. Brazauskas
Associate Deputy General Counsel
U.S. Environmental Protection Agency
(202) 564-5189

From: Albores, Richard
Sent: Wednesday, October 10, 2018 11:54 AM
To: Stewart, Sabrena <Stewart.Sabrena@epa.gov>; Hallum, Carrie <hallum.carrie@epa.gov>; Sigel, Jeremy <Sigel.Jeremy@epa.gov>; Larsen, Elena <Larsen.Elena@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Johnston, Robert <Johnston.Robert@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Judd, Jennifer <Judd.Jennifer@epa.gov>; Gottesman, Larry

<Gottesman.Larry@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>

Cc: Boxton, Troy <Boxton.Troy@epa.gov>; Standifer, Juanita <Standifer.Juanita@epa.gov>; Kaufman, Michael <Kaufman.Michael@epa.gov>; Trent, Bobbie <Trent.Bobbie@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>

Subject: RE: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Sabrena:

OGC is undergoing some transitions this month and our IG/GAO oversight responsibilities in our immediate office are going to Joseph Brazauskas (Associate Deputy General Counsel), and Tia Miller (Operational Special Assistant). Also, the National FOIA Office is currently being headed by Timothy Epp (Acting NFO Director). I have copied Joe and Tia on this message, and Tim is already on your address list.

I hope you and Joe, Tia, and Tim can work out the situation with your follow up questions to the 2014 closed report (Report No. 14-P-0262).

Thanks,

R

~~~~~  
**RICHARD L. ALBORES**

Senior Attorney \* Office of General Counsel \* Solid Waste & Emergency Response Law Office \* U.S. EPA \* 1200 Pennsylvania Avenue, NW \* MC2366A \* Washington, DC 20460 \* email: [albores.richard@epa.gov](mailto:albores.richard@epa.gov) \* phone: 202.564.7102 \* mobile: 202.809.8029

---

**From:** Stewart, Sabrena

**Sent:** Wednesday, October 10, 2018 11:44 AM

**To:** Hallum, Carrie <[hallum.carrie@epa.gov](mailto:hallum.carrie@epa.gov)>; Sigel, Jeremy <[Sigel.Jeremy@epa.gov](mailto:Sigel.Jeremy@epa.gov)>; Larsen, Elena <[Larsen.Elena@epa.gov](mailto:Larsen.Elena@epa.gov)>; Ellis, John <[Ellis.john@epa.gov](mailto:Ellis.john@epa.gov)>; Townsend, Charleen <[Townsend.Charleen@epa.gov](mailto:Townsend.Charleen@epa.gov)>; Moser, Rebecca <[Moser.Rebecca@EPA.GOV](mailto:Moser.Rebecca@EPA.GOV)>; Johnston, Robert <[Johnston.Robert@epa.gov](mailto:Johnston.Robert@epa.gov)>; Kelly, Lynn <[Kelly.Lynn@epa.gov](mailto:Kelly.Lynn@epa.gov)>; Blake, Wendy <[Blake.Wendy@epa.gov](mailto:Blake.Wendy@epa.gov)>; Albores, Richard <[Albores.Richard@epa.gov](mailto:Albores.Richard@epa.gov)>; Shenefiel, Pam <[shenefiel.pam@epa.gov](mailto:shenefiel.pam@epa.gov)>; Monson, Mahri <[Monson.Mahri@epa.gov](mailto:Monson.Mahri@epa.gov)>; Judd, Jennifer <[Judd.Jennifer@epa.gov](mailto:Judd.Jennifer@epa.gov)>; Gottesman, Larry <[Gottesman.Larry@epa.gov](mailto:Gottesman.Larry@epa.gov)>; Epp, Timothy <[Epp.Timothy@epa.gov](mailto:Epp.Timothy@epa.gov)>  
**Cc:** Boxton, Troy <[Boxton.Troy@epa.gov](mailto:Boxton.Troy@epa.gov)>; Standifer, Juanita <[Standifer.Juanita@epa.gov](mailto:Standifer.Juanita@epa.gov)>; Kaufman, Michael <[Kaufman.Michael@epa.gov](mailto:Kaufman.Michael@epa.gov)>

**Subject:** RE: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Good Morning Carrie,

Thank you for your October 4, 2018 responses to our last follow-up email requests, that had a due date of October 9, 2018. It is much appreciated.

However, I am following up on the voice mail that I left you this morning at 9:00 AM. The OIG would appreciate a written response on the remainder 2 follow-up questions (questions 1 and 2) today. If there is an additional delay (beyond the close of business today) in responding, please inform us with a requested extension date.

Thank you,

*Sabrena*

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Sabrena Stewart  
Senior IT Auditor, Office of Audit and Evaluation  
Information Resources Management Directorate  
Office of Inspector General  
Environmental Protection Agency  
202-566-2889  
[stewart.sabrena@epa.gov](mailto:stewart.sabrena@epa.gov)

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**From:** Hallum, Carrie

**Sent:** Thursday, October 4, 2018 2:59 PM

**To:** Sigel, Jeremy <[Sigel.Jeremy@epa.gov](mailto:Sigel.Jeremy@epa.gov)>; Stewart, Sabrena <[Stewart.Sabrena@epa.gov](mailto:Stewart.Sabrena@epa.gov)>; Larsen, Elena <[Larsen.Elena@epa.gov](mailto:Larsen.Elena@epa.gov)>; Ellis, John <[Ellis.john@epa.gov](mailto:Ellis.john@epa.gov)>; Townsend, Charleen <[Townsend.Charleen@epa.gov](mailto:Townsend.Charleen@epa.gov)>; Moser, Rebecca <[Moser.Rebecca@EPA.GOV](mailto:Moser.Rebecca@EPA.GOV)>; Johnston, Robert <[Johnston.Robert@epa.gov](mailto:Johnston.Robert@epa.gov)>; Kelly, Lynn <[Kelly.Lynn@epa.gov](mailto:Kelly.Lynn@epa.gov)>; Blake, Wendy <[Blake.Wendy@epa.gov](mailto:Blake.Wendy@epa.gov)>; Albores, Richard <[Albores.Richard@epa.gov](mailto:Albores.Richard@epa.gov)>; Shenefiel, Pam <[shenefiel.pam@epa.gov](mailto:shenefiel.pam@epa.gov)>; Bigioni, Neil <[bigioni.neil@epa.gov](mailto:bigioni.neil@epa.gov)>; Monson, Mahri <[Monson.Mahri@epa.gov](mailto:Monson.Mahri@epa.gov)>; Judd, Jennifer <[Judd.Jennifer@epa.gov](mailto:Judd.Jennifer@epa.gov)>; Gottesman, Larry <[Gottesman.Larry@epa.gov](mailto:Gottesman.Larry@epa.gov)>; Epp, Timothy <[Epp.Timothy@epa.gov](mailto:Epp.Timothy@epa.gov)>

**Cc:** Boxton, Troy <[Boxton.Troy@epa.gov](mailto:Boxton.Troy@epa.gov)>; Standifer, Juanita <[Standifer.Juanita@epa.gov](mailto:Standifer.Juanita@epa.gov)>; Kaufman, Michael <[Kaufman.Michael@epa.gov](mailto:Kaufman.Michael@epa.gov)>

**Subject:** RE: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Hi Sabrena and Jeremy,

Below are the responses from OEI regarding questions #3-6 in your information request.

3. What was the last version of FOIAonline, and when did it expire?

RESPONSE: The current version of FOIAonline in production is 3.1.3. We are currently deploying updates every 2-3 weeks depending on the functionality or system improvements needed. The legacy system was taken off-line on July 3, 2018 (close of business 6:00 pm EST)

4. When was FOIAonline 3.0 implemented and put on EPA's internet for use?

RESPONSE: FOIAonline 3.0 was deployed on July 9, 2018; and made available for the public and agency users. While there is a new url for the upgraded site, a redirect from the old url is being maintained to ensure continuity of access. The new url for public access is <https://foiaonline.gov>. Agency users have unique variations of the url to fit their authentication process.

5. When will the entire FOIAonline 3.0 be accessible to the public for use? Please provide milestone dates.

RESPONSE: Data for all agency partners to complete their FY18 Annual Reports have been migrated into FOIAonline 3.0. For most of the partners, all of their data are in FOIAonline 3.0. For 5 of the 19 agencies with data in the system, their data migration will restart once the year end annual report efforts have been completed, which we roughly estimate to begin December 1, 2018, and continue thru February 15, 2019.

6. What process is currently used to gather information since much of the FOIAonline is not yet in 3.0, and is expected to take several weeks to complete?

RESPONSE: The majority of case level information is currently available in FOIAonline. If agencies have particular cases that have not been migrated but to which they need access (e.g., for litigation), they can submit a request to the help desk to have the migration of these cases expedited. The expedited migration of specific cases can usually be completed within the same week that the request is made.

Thank you,

*Carrie Hallum*

Program Analyst/Presidential Management Fellow  
OEI Audit Follow Up Coordinator for OIG Audits  
Backup Special Assistant, Office of Business Operations and Services  
Office of Environmental Information  
U.S. Environmental Protection Agency  
Phone: (202) 566-1274  
Email: [hallum.carrie@epa.gov](mailto:hallum.carrie@epa.gov)

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**From:** Sigel, Jeremy  
**Sent:** Friday, September 28, 2018 12:53 PM  
**To:** Stewart, Sabrena <[Stewart.Sabrena@epa.gov](mailto:Stewart.Sabrena@epa.gov)>; Larsen, Elena <[Larsen.Elena@epa.gov](mailto:Larsen.Elena@epa.gov)>; Ellis, John <[Ellis.john@epa.gov](mailto:Ellis.john@epa.gov)>; Townsend, Charleen <[Townsend.Charleen@epa.gov](mailto:Townsend.Charleen@epa.gov)>; Moser, Rebecca <[Moser.Rebecca@EPA.GOV](mailto:Moser.Rebecca@EPA.GOV)>; Johnston, Robert <[Johnston.Robert@epa.gov](mailto:Johnston.Robert@epa.gov)>; Hallum, Carrie <[hallum.carrie@epa.gov](mailto:hallum.carrie@epa.gov)>; Kelly, Lynn <[Kelly.Lynn@epa.gov](mailto:Kelly.Lynn@epa.gov)>; Blake, Wendy <[Blake.Wendy@epa.gov](mailto:Blake.Wendy@epa.gov)>; Albores, Richard <[Albores.Richard@epa.gov](mailto:Albores.Richard@epa.gov)>; Shenefiel, Pam <[shenefiel.pam@epa.gov](mailto:shenefiel.pam@epa.gov)>; Bigioni, Neil <[bigioni.neil@epa.gov](mailto:bigioni.neil@epa.gov)>; Monson, Mahri <[Monson.Mahri@epa.gov](mailto:Monson.Mahri@epa.gov)>; Judd, Jennifer <[Judd.Jennifer@epa.gov](mailto:Judd.Jennifer@epa.gov)>; Gottesman, Larry <[Gottesman.Larry@epa.gov](mailto:Gottesman.Larry@epa.gov)>; Epp, Timothy <[Epp.Timothy@epa.gov](mailto:Epp.Timothy@epa.gov)>  
**Cc:** Boxtton, Troy <[Boxton.Troy@epa.gov](mailto:Boxton.Troy@epa.gov)>; Standifer, Juanita <[Standifer.Juanita@epa.gov](mailto:Standifer.Juanita@epa.gov)>; Kaufman, Michael <[Kaufman.Michael@epa.gov](mailto:Kaufman.Michael@epa.gov)>  
**Subject:** Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217  
**Importance:** High

*(Forwarding on behalf of IT Auditor, Sabrena Stewart. Please direct all responses to her and CC Jeremy Sigel, Project Manager):*

Everyone,

In an effort to have an open line of communication and keep everyone informed as to the status of our work, below is IRMD's monthly status email summarizing what we've done, what we're currently doing, follow-up requests, new requests, our next steps, and any outstanding requests or areas of concerns. If there are any questions on a given item, please feel free to respond directly to this email or call me at 202-566-2889.

The three audit report recommendations that we are reviewing the Corrective Action's for are:

- *Congressionally Requested Audit: EPA Needs to Improve Processes for Preserving Text Messages as Federal Records* (Report No. 17-P-0062), issued December 21, 2016.

- *Briefing Report: Review of EPA's Process to Release Information Under the Freedom of Information Act* (Report No. 14-P-0262), issued May 16, 2014.
- *Congressionally Requested Inquiry into the EPA's Use of Private and Alias Email Accounts* (Report No. 13-P-0433), issued September 26, 2013.

#### **What We've Done:**

- We have reviewed follow-up documentation received from the Agency pertaining to Corrective Actions, reviewed those responses and made follow up requests.

#### **What We're Currently Doing:**

- Documenting responses received and our analysis and following up on additional items needed.

#### **Follow-up Requests:**

Any new requests involving the previous audit reports will be requested based on that Report Number highlighted above. This will help everyone easily identify the correct audit report.

- Report No. 14-P-0262
  1. Please provide the name and contact information (name, phone, email) of EPA's Chief FOIA Officer, or Acting Chief FOIA Officer.
    - a. If the person is in an Acting capacity, please provide the timeframe that they have been acting.
    - b. Is there a policy/procedure that states the timeframe that a person can be in an acting capacity as EPA's Chief FOIA Officer? If so, please provide policy/procedure information with location within document.
  2. Please provide the name(s) of EPA's FOIA Public Liaison(s).
    - a. If the person is in an "Acting" capacity, please provide the timeframe that they have been acting.
    - b. Is there a policy/procedure that states the timeframe that a person can be in an "Acting" capacity as EPA's FOIA Public Liaison? If so, please provide policy/procedure information with location with document.
  3. What was the last version of FOIAonline, and when did it expire?
  4. When was FOIAonline 3.0 implemented and put on EPA's internet for use?
  5. When will the entire FOIAonline 3.0 be accessible to the public for use? Please provide milestone dates.
  6. What process is currently used to gather information since much of the FOIAonline is not yet in 3.0, and is expected to take several weeks to complete?

#### **Next Steps:**

- Reviewing follow-up requests from this email.
- Completing fieldwork and drafting discussion document.

In conclusion, I would like to thank everyone for your help and speedy responses! In the event of my absence, please copy Jeremy Sigel on all responses.

**Please provide responses to our follow-up requests by COB October 9, 2018.**

Thanks,

*Sabrina*

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Sabrena Stewart  
Senior IT Auditor, Office of Audit and Evaluation  
Information Resources Management Directorate  
Office of Inspector General  
Environmental Protection Agency  
202-566-2889  
[stewart.sabrena@epa.gov](mailto:stewart.sabrena@epa.gov)

Message

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**From:** Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]  
**Sent:** 10/26/2018 7:32:45 PM  
**To:** Packard, Elise [Packard.Elise@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]  
**CC:** OGC NFO [OGC-NFO@epa.gov]; Schramm, Daniel [Schramm.Daniel@epa.gov]; Talty, Mark [Talty.Mark@epa.gov]; Simons, Andrew [Simons.Andrew@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; OGC Immediate Office Support [OGCFrontOfficeSupportStaff@epa.gov]  
**Subject:** NFO meeting at 4pm Monday 10/29  
**Attachments:** MyProperty handouts for 10 29 18.pdf; DRAFT MEMO Policy and Procedure Update 10.25.2018 tre ctc.docx; Options Selection Prebrief\_10.24.18\_NandCsplitted.docx

Hi all,

For the Monday 4:00 pm NFO Meeting with Elise and Joe, attached are three documents. The agenda will be:

- 1) Seeking decision authorizing redirecting of site-specific FOIA requests to MyProperty (Wendy/Larry)
- 2) Draft Memo on interim extension of OEI FOIA Policy and Procedure & process (Chris)
- 3) Draft Options Selection Memo for Regulations (Dan & Mark Talty/Andrew Simons)

Tim

Timothy R. Epp  
Acting Director, National FOIA Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel. 202-564-2830

Message

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**From:** Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]  
**Sent:** 10/10/2018 2:30:06 PM  
**To:** Creech, Christopher [Creech.Christopher@epa.gov]; Shaffer, Patricia [Shaffer.Patricia@epa.gov]  
**Subject:** RE: Policy/Procedure review

Hi Pat,

Could you schedule a half hour meeting for me and Chris Creech, either Friday or Monday, to discuss "FOIA Policy Review"?

Thanks,  
Tim

Timothy R. Epp  
Acting Director, National FOIA Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel. 202-564-2830

---

**From:** Creech, Christopher  
**Sent:** Wednesday, October 10, 2018 9:22 AM  
**To:** Epp, Timothy <Epp.Timothy@epa.gov>  
**Subject:** RE: Policy/Procedure review

Hi Tim,

Yes, I would be interested in leading the Policy and Procedure interim review and update. I agree with your path forward. To keep the review/update apace, I would imagine the initial review could be done with the rest of this week, and we could meet Friday or Monday (step 1) to get on the same page and confer about the scope of the update.

I am happy to begin ASAP given the accelerated timeframe. Thanks, Tim. This is a very exciting opportunity.

Best,

Christopher T. Creech  
Attorney-Adviser  
Office of General Counsel  
U.S. Environmental Protection Agency  
(202) 564-4286  
Room 7353 E

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**From:** Epp, Timothy  
**Sent:** Wednesday, October 10, 2018 8:01 AM  
**To:** Creech, Christopher <Creech.Christopher@epa.gov>  
**Subject:** Policy/Procedure review



Hi Chris,

Denise mentioned that you expressed interest in leading the FOIA Policy and Procedure interim review/update. Are you interested? The path that I would like taken on it would be as follows: 1) your review and discussion with me; 2) solicit views on your draft from others in NFO, followed by a check-in with me; 3) solicit GLO's legal review, followed by a check-in with me; and 4) briefing up to Elise/Joe and then to Matt – all, if possible, within 4 weeks.

Tim

Timothy R. Epp  
Acting Director, National FOIA Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel. 202-564-2830

Message

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**From:** Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]  
**Sent:** 11/6/2018 10:51:09 PM  
**To:** Blake, Wendy [Blake.Wendy@epa.gov]  
**Subject:** RE: Policy and procedure memo

Thanks Wendy,

On your question Attorney Client / Ex. 5

# Attorney Client / Ex. 5

Thanks for your careful read.

Tim

Timothy R. Epp  
Acting Director, National FOIA Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel. 202-564-2830

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**From:** Blake, Wendy  
**Sent:** Tuesday, November 06, 2018 3:14 PM  
**To:** Epp, Timothy <Epp.Timothy@epa.gov>  
**Subject:** RE: Policy and procedure memo

Sorry. Here are my quick thoughts on the draft memo. I will call you on the other email I sent you recently. I wanted to explain what I discussed with Joe and Joe's next steps.

Wendy L. Blake  
Associate General Counsel  
General Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
phone: (202) 564-1821  
fax: (202) 564-5433

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**From:** Epp, Timothy  
**Sent:** Tuesday, November 06, 2018 1:09 PM  
**To:** Blake, Wendy <Blake.Wendy@epa.gov>  
**Subject:** RE: Policy and procedure memo

Thanks – given the supposed 1 pm deadline, I'm going to send as is; we can deal with any edits if necessary.

Timothy R. Epp  
Acting Director, National FOIA Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel. 202-564-2830

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**From:** Blake, Wendy  
**Sent:** Tuesday, November 06, 2018 12:43 PM  
**To:** Epp, Timothy <[Epp.Timothy@epa.gov](mailto:Epp.Timothy@epa.gov)>  
**Subject:** RE: Policy and procedure memo

I haven't had a chance to review this yet. Will do so after my meetings, but I assume we won't have anything.

Wendy L. Blake  
Associate General Counsel  
General Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
phone: (202) 564-1821  
fax: (202) 564-5433

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**From:** Epp, Timothy  
**Sent:** Tuesday, November 06, 2018 9:22 AM  
**To:** Blake, Wendy <[Blake.Wendy@epa.gov](mailto:Blake.Wendy@epa.gov)>  
**Subject:** Policy and procedure memo

Timothy R. Epp  
Acting Director, National FOIA Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel. 202-564-2830

Message

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**From:** Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]  
**Sent:** 11/6/2018 7:56:20 PM  
**To:** OGC NFO [OGC-NFO@epa.gov]  
**Subject:** FW: Read-ahead material for Matt's meeting with NFO tomorrow  
**Attachments:** FY 2018 Annual Report summary.docx; Background on FOIA Policy and Procedure update.docx; Options Selection\_11.1.18.docx; Options Selection\_11.1.18.docx

FYI – This is what I sent to the front office as read ahead material for Matt.

Timothy R. Epp  
Acting Director, National FOIA Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel. 202-564-2830

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**From:** Epp, Timothy  
**Sent:** Tuesday, November 06, 2018 1:17 PM  
**To:** Veney, Carla <Veney.Carla@epa.gov>; OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>  
**Cc:** Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>  
**Subject:** Read-ahead material for Matt's meeting with NFO tomorrow

Hi Carla, Tia and Rob,

Attached for Matt's binder are the read-ahead materials for the NFO meeting tomorrow morning. Our agenda will be:

- 1) Update on the FY2018 Annual Report to DOJ OIP (Wendy S/Larry)
- 2) Recommendation for updating the Agency FOIA Policy & Procedure (Chris)
- 3) Options for updating the Agency FOIA Regulations (Dan)

We might add an additional item regarding the mechanics of issuing the awareness notification procedure.

Thanks,  
Tim

Timothy R. Epp  
Acting Director, National FOIA Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel. 202-564-2830

Message

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**From:** Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]  
**Sent:** 10/20/2018 6:53:50 PM  
**To:** Brazauskas, Joseph [brazauskas.joseph@epa.gov]  
**CC:** Packard, Elise [Packard.Elise@epa.gov]  
**Subject:** Draft Options Memo for FOIA Regulations  
**Attachments:** Options Selection Prebrief\_10.20.18\_dps.docx

Joe,

Per your request, attached is the latest draft of the Options Memo for the FOIA Regulations.

NFO staff are in the midst of brainstorming options for improving the NFO, which might produce additional options or refinements of those laid out in this draft.

Tim

Message

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**From:** Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]  
**Sent:** 10/30/2018 6:12:01 PM  
**To:** Packard, Elise [Packard.Elise@epa.gov]  
**CC:** Miller, Kevin [Miller.Kevin@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; OGC Immediate Office Support [OGCFrontOfficeSupportStaff@epa.gov]; Miller, Tia [Miller.Tia@epa.gov]  
**Subject:** Draft briefing slides for Acting Admin FOIA  
**Attachments:** OGC FOIA Improvement Initiatives 2018 - updated 10 30.pptx

As discussed, here are the current draft slides.

Timothy R. Epp  
Acting Director, National FOIA Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel. 202-564-2830

Message

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**From:** Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]  
**Sent:** 10/30/2018 2:48:53 PM  
**To:** Bolen, Brittany [bolen.brittany@epa.gov]  
**CC:** Brazauskas, Joseph [brazauskas.joseph@epa.gov]  
**Subject:** Request for a half hour meeting/phone call

Hi Brittany,

Could you spare time this week or early next for a phone call or meeting with me and Joe Brazauskas? We want to have a first, introductory conversation with you regarding our thoughts for EPA's FOIA update regulation proposal – RIN: 2025-AA38.

## Deliberative Process / Ex. 5

### Deliberative Process / Ex. 5

Our meeting with Matt is scheduled for the morning of Wednesday, Nov. 7.

Thanks much,  
Tim

Timothy R. Epp  
Acting Director, National FOIA Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel. 202-564-2830

Message

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**From:** Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]  
**Sent:** 10/30/2018 6:12:01 PM  
**To:** Packard, Elise [Packard.Elise@epa.gov]  
**CC:** Miller, Kevin [Miller.Kevin@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; OGC Immediate Office Support [OGCFrontOfficeSupportStaff@epa.gov]; Miller, Tia [Miller.Tia@epa.gov]  
**Subject:** Draft briefing slides for Acting Admin FOIA  
**Attachments:** OGC FOIA Improvement Initiatives 2018 - updated 10 30.pptx

As discussed, here are the current draft slides.

Timothy R. Epp  
Acting Director, National FOIA Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel. 202-564-2830



Message

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**From:** Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]  
**Sent:** 10/30/2018 2:48:53 PM  
**To:** Bolen, Brittany [bolen.brittany@epa.gov]  
**CC:** Brazauskas, Joseph [brazauskas.joseph@epa.gov]  
**Subject:** Request for a half hour meeting/phone call

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## Deliberative Process / Ex. 5

### Deliberative Process / Ex. 5

Our meeting with Matt is scheduled for the morning of Wednesday, Nov. 7.

Thanks much,  
Tim

Timothy R. Epp  
Acting Director, National FOIA Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel. 202-564-2830

Message

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**From:** Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]  
**Sent:** 10/30/2018 2:21:29 PM  
**To:** Brazauskas, Joseph [brazauskas.joseph@epa.gov]  
**Subject:** FW: Draft Slides for Monday Acting Admr Briefing on FOIA  
**Attachments:** OGC FOIA Improvement Initiatives 2018 - updated 10 30.pptx

Hi Joe, here is the draft powerpoint and my email below identifying updates needed from folks.  
Tim

Timothy R. Epp  
Acting Director, National FOIA Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel. 202-564-2830

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**From:** Epp, Timothy  
**Sent:** Tuesday, October 30, 2018 8:40 AM  
**To:** White, Elizabeth <white.elizabeth@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>  
**Subject:** Draft Slides for Monday Acting Admr Briefing on FOIA

Hi all,

Attached are the draft slides for the Monday briefing for Wheeler on FOIA improvement initiatives. I have asked Carla to set up a pre-brief meeting with Matt for later this week.

Beth, should we **Deliberative Process / Ex. 5**

## Deliberative Process / Ex. 5

Tim

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## Deliberative Process / Ex. 5

Tim

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**Sent:** 10/25/2018 6:48:44 PM  
**To:** Simons, Andrew [Simons.Andrew@epa.gov]  
**CC:** Schramm, Daniel [Schramm.Daniel@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]  
**Subject:** FW: Rewritten Paper  
**Attachments:** Options Selection Prebrief\_10.24.18\_NandCsplit.docx

Hi Andy,

Per our discussion, attached is the latest draft of our options memo. Thanks for discussing and looking into this.  
Tim

Timothy R. Epp  
Acting Director, National FOIA Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel. 202-564-2830

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**From:** Schramm, Daniel  
**Sent:** Wednesday, October 24, 2018 1:54 PM  
**To:** Epp, Timothy <Epp.Timothy@epa.gov>  
**Cc:** Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>  
**Subject:** Rewritten Paper

Tim,

# Deliberative Process / Ex. 5

Would you like me to attend the meeting with Wendy tomorrow? Are there further edits you envision to this?

Daniel Schramm  
U.S. EPA Office of General Counsel  
(202) 564-3377  
[schramm.daniel@epa.gov](mailto:schramm.daniel@epa.gov)

The contents of this message may be subject to the attorney-client, work-product, or deliberative process privileges.

Message

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**From:** Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]  
**Sent:** 10/29/2018 3:51:07 PM  
**To:** Blake, Wendy [Blake.Wendy@epa.gov]  
**CC:** Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]  
**Subject:** RE: 2 questions, one related to today's 4 pm meeting

Sorry, I meant to answer your other question as well: NFO has a meeting with Matt on 11/7; I would like to

Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

I also want to present to Matt on 11/7 the interim update of the OEI FOIA Policy and Procedures.

Tim

Timothy R. Epp  
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Tel. 202-564-2830

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**From:** Epp, Timothy  
**Sent:** Monday, October 29, 2018 11:47 AM  
**To:** Blake, Wendy <Blake.Wendy@epa.gov>  
**Cc:** Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>  
**Subject:** RE: 2 questions, one related to today's 4 pm meeting

Hi Wendy,

FOIAOnline comments – we were scheduled to have a meeting last week, but had to reschedule for this week to sit down with the Key NFO folks to develop consolidated input.

Let's not confuse OEI by sending multiple from OGC. Can you send your list to us and we will incorporate?

Tim

Timothy R. Epp  
Acting Director, National FOIA Office  
Office of General Counsel  
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**From:** Blake, Wendy  
**Sent:** Monday, October 29, 2018 10:36 AM  
**To:** Epp, Timothy <Epp.Timothy@epa.gov>  
**Cc:** Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>  
**Subject:** 2 questions, one related to today's 4 pm meeting

Tim –

- (1) Is today's 4 pm NFO meeting with the front office designed to cover the options selection pre-brief on the regs?
- (2) FOIAOnline comments – A few weeks ago, I had sent you and Denise our comments/issues with FOIAonline. Did you all ever add to that list and send the comments to OEI? Please let me know so we can send a consolidated list to OEI.

Thanks in advance,

Wendy

Wendy L. Blake  
Associate General Counsel  
General Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
phone: (202) 564-1821  
fax: (202) 564-5433

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**Sent:** 11/6/2018 6:16:50 PM  
**To:** Veney, Carla [Veney.Carla@epa.gov]; OGC Immediate Office Support [OGCFrontOfficeSupportStaff@epa.gov]  
**CC:** Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]  
**Subject:** Read-ahead material for Matt's meeting with NFO tomorrow  
**Attachments:** FY 2018 Annual Report summary.docx; Background on FOIA Policy and Procedure update.docx; Options Selection\_11.1.18.docx; Options Selection\_11.1.18.docx

Hi Carla, Tia and Rob,

Attached for Matt's binder are the read-ahead materials for the NFO meeting tomorrow morning. Our agenda will be:

- 1) Update on the FY2018 Annual Report to DOJ OIP (Wendy S/Larry)
- 2) Recommendation for updating the Agency FOIA Policy & Procedure (Chris)
- 3) Options for updating the Agency FOIA Regulations (Dan)

We might add an additional item regarding the mechanics of issuing the awareness notification procedure.

Thanks,  
Tim

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